

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of ALDA DaGROSSA, claiming as parent of THOMAS DaGROSSA
and U.S. POSTAL SERVICE, POST OFFICE, Atlantic City, NJ

*Docket No. 99-2392; Submitted on the Record;
Issued December 19, 2000*

DECISION and ORDER

Before MICHAEL J. WALSH, DAVID S. GERSON,
WILLIE T.C. THOMAS

The issue is whether the employee's death on November 12, 1993 was causally related to his federal employment.

On February 22, 1996 appellant filed a claim for compensation (Form CA-5) on the grounds that the death of her son, the employee, was causally related to his federal employment. The record indicates that the Office of Workers' Compensation Programs had accepted that the employee sustained an adjustment reaction in the performance of duty.

By decision dated July 10, 1998, the Office determined that the evidence was not sufficient to establish that the employee's death was causally related to his federal employment. In a decision dated April 1, 1999, an Office hearing representative affirmed the prior decision.

The Board has reviewed the record and finds that appellant has not met her burden of proof in establishing that the employee's death was employment related.

An appellant has the burden of proving by the weight of the reliable, probative and substantial evidence that the employee's death was causally related to his employment. This burden includes the necessity of furnishing medical opinion evidence of a cause and effect relationship based on a complete factual and medical background.¹ The opinion of the physician must be one of reasonable medical certainty and must be supported by medical rationale.² The mere showing that an employee was receiving compensation for total disability at the time of his death does not establish that his death was causally related to his employment.³

¹ *Carolyn P. Spiewak (Paul Spiewak)*, 40 ECAB 552 (1989).

² *Kathy Marshall (Dennis Marshall)*, 45 ECAB 827 (1994).

³ *Edna M. Davis (Kenneth L. Davis)*, 42 ECAB 728 (1991).

The death certificate in this case records the cause of death on November 12, 1993 as respiratory insufficiency. A hospital discharge summary from Dr. Diego Fiorentino, an osteopath, indicates that the employee was admitted on November 9, 1993, due to “alcohol abuse with impending DT’s, pancytopenia secondary to alcohol abuse, hyponatremia secondary to alcohol abuse as well as depression and cellulitis.” The report indicates that on November 12, 1993 the employee was noted to have a seizure; the final diagnosis was respiratory insufficiency, alcoholic liver disease, chronic alcohol abuse, obesity, hypertension and seizure.

On the reverse of the claim form, Dr. Fiorentino stated, “the patient suffered from depression, stress and alcoholism which contributed to patient’s demise.” Dr. Fiorentino did not provide any additional explanation or detail.

In a report dated February 5, 1996, Dr. Rita Kammiel, a psychiatrist, stated that the employee was a patient from April 1992 to May 1993. Dr. Kammiel opined that the employee died of medical complications of alcoholism. She noted that the employee had a long history of depression and alcoholism, and “his psychiatric problems were determined to be caused by job-related stress. It is my opinion that his death was caused by his alcoholism as well as his deep depression that made it harder for him to receive the appropriate treatment.”

The Board finds that Dr. Kammiel’s report is not of sufficient probative value to establish that the employee’s death was causally related to his federal employment. Dr. Kammiel does not discuss in detail the nature and extent of the employee’s employment-related emotional condition at the time of his death. Moreover, she does not clearly explain any causal relationship between an employment injury and the development of alcohol abuse and the resulting physical complications that contributed to the employee’s death. An award of compensation may not be based on surmise, conjecture or speculation.⁴ To establish causal relationship in this case there must be a reasoned medical opinion, based on a complete background, explaining the relationship between the employee’s death and his federal employment.⁵ The Board finds that appellant has not submitted sufficient medical evidence on the issue of causal relationship to meet her burden of proof in this case.

⁴ *Kathy Marshall (Dennis Marshall)*, *supra* note 2.

⁵ *See Edna M. Davis (Kenneth L. Davis)*, *supra* note 3.

The decisions of the Office of Workers' Compensation Programs dated April 1, 1999 and July 10, 1998 are affirmed.

Dated, Washington, DC
December 19, 2000

Michael J. Walsh
Chairman

David S. Gerson
Member

Willie T.C. Thomas
Member